



*Making Great Communities Happen*  
**Connecticut Chapter of the  
American Planning Association  
Government Relation Committee**

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**POSITION STATEMENT**  
**PLANNING AND DEVELOPMENT COMMITTEE – MARCH 2, 2012**

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**BILL: SB 263 – An Act Concerning Liability of Zoning Enforcement Officers**

**CCAPA POSITION**

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CCAPA strongly supports SB – 263 to revise CGS Section 8-12a. This proposal has been raised in the General Assembly several times over the past six years and no public comments on the concept have identified any specific examples of abuse of authority by zoning enforcement officers. CCAPA believes the treble damages clause is unnecessary and counterproductive to efficient and effective zoning regulations enforcement.

**OVERVIEW**

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SB 263 would amend Connecticut General Statutes Section 8-12a to remove the treble damages liability of zoning enforcement officers for issuance of a citation found by the court to be issued “maliciously or wantonly”. The bill retains ZEO liability, including attorney’s fees, for such malicious or wanton issuance of a citation, but requires that municipalities indemnify a ZEO from financial loss or expense arising from such court action.

**ANALYSIS**

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This issue has been proposed, debated, revised, but not acted on for at least the past six years. The records of the legislature’s consideration of this concept provide ample support and justification for the revision.

Currently, the General Statutes provide a comprehensive procedure intended to ensure effective enforcement of regulations while protecting the rights of property owners. Any decision of an enforcement officer may be appealed to a Zoning Board of Appeals, under Section 8-7. The decision of that board may be appealed to court in accordance with Section 8-8, which may result in a mediation process defined in Section 8-8a. Where an ordinance is adopted to establish a violation penalty procedure, the imposition of any fine is in accordance with the hearing procedures established by Section 7-152c, which such action can be appealed to court. Ample safeguards are in place to prevent abuse of the process by enforcement officers.

Because of the risk and uncertainty to municipal staff, many municipalities are unwilling to adopt an ordinance to establish a citation procedure and, even if adopted, enforcement officers may be unwilling to exercise such citation authority. The result is less effective and more costly regulation enforcement, largely due to legal costs of pursuing court imposition of fines. CCAPA is not aware of any similar provision applying to a public employee, such as a building inspector, fire marshal, or sanitarian, fulfilling his or her code enforcement responsibility.

**FISCAL IMPACT**

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This bill could reduce municipal costs for the enforcement of zoning regulations. The bill would have no State fiscal impacts.